IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.4257 OF 2006

Bhanudas Ranoba Tele & Ors. .. Applicants.

V/s.

The State of Maharashtra .. Respondent.

Shri.H.S.Venegavkar for the applicant.

Shri.Y.M.Nakhwa, A.P.P. for the State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 13TH DECEMBER, 2006

P.C.:

1. The applicants have been arrested in connection with C.R.No.105 of 2006 registered by Sangola Police Station. The offences alleged are punishable u/s. 147, 148, 302, 324, 323 & 201 of I.P.C.

2. All applicants are named in the statement of son of the deceased Satish Narayan Satpute recorded on 17th July, 2006.

3. Mr. Venegavkar submits that from a perusal of statements and other materials in the chargesheet, it is apparent that the applicants' case is on par with those co-accused who have enlarged on bail. He states that the applicants were armed with sticks and the assault is by one Datta Raut. In such circumstances and when the statement of the son of the deceased demonstrates that he was not present during the alleged assault, the applicants deserve to be enlarged on bail.

4. The learned A.P.P. does not dispute the contents of the statement of the son of the deceased but states that the applicants were present and this fact is stated by two other witnesses.

5. In my view, the presence of the accused applicants at the site would not be enough to distinguish their case with that of accused who have been enlarged on bail. Similarly, recoveries have been made at the instance of the co-accused and it is not the case of the prosecution that the applicants were armed with any weapons. In these circumstances, on the ground of parity alone, this application deserves to succeed.

6. Hence, the following order : -

ORDER :

(i) Applicants are directed to be released on bail in connection with the C.R.No.105 of 2006, registered with Sangola Police Station on executing personal bond in the sum of Rs.10,000/- (Rs.Ten thousand only) with one or two local sureties in like amount.

(ii) The applicants shall not influence prosecution witnesses or tamper with the prosecution evidence in any manner, whatsoever.

(iii) The applicants shall report to the concerned police station once in a week on every Saturday between 5.00 p.m. and 7.00 p.m. till conclusion of the trial. The applicants shall reside outside the village Modshingi but within the Sangola District. The applicants shall not enter the limits of village Modshingi till the trial is concluded.

(iv) The applicants shall disclose their place of residence to the Investigating Officer as well as the trial court where they would stay after the release on bail and shall report to the trial court before they travel beyond the State of Maharashtra where they would ordinarily reside.

(v) The applicants shall co-operate for early disposal of the trial. In the event, the trial court is of the opinion that the applicants are responsible for delay in trial, that be recorded in roznama and that can be the basis for cancellation of bail.

(vi) Application disposed of.

(S.C.Dharmadhikari, J.)